

ENTERED

May 31, 2023

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

CALARIELL P.	§ CIVIL ACTION NO
JOHNSON,	§ 4:23-cv-00436
Plaintiff,	§ § §
vs.	§ JUDGE CHARLES ESKRIDGE § §
SELECT PORTFOLIO	§
SERVICING INC and	§
WILMINGTON	§
SAVINGS FUND	§
SOCIETY FSB,	§
Defendants.	§

**ORDER ADOPTING
MEMORANDUM AND RECOMMENDATION**

Plaintiff Calariell P. Johnson, proceeding *pro se*, filed a “Quiet Title Action” in state court, which Defendants removed to this federal court. Dkt 1. The matter was referred for disposition to Magistrate Judge Christina A. Bryan. Dkt 5.

Pending is a Memorandum and Recommendation by Magistrate Judge Christina A. Bryan dated April 4, 2023, on the motion to dismiss by Defendants. Dkt 15; see Dkt 4. She recommends that the motion be granted because Johnson’s pleading doesn’t state a plausible claim for relief and shows that she doesn’t hold superior title to the property at issue. Dkt 15.

The district court reviews *de novo* those conclusions of a magistrate judge to which a party has specifically objected. See FRCP 72(b)(3) & 28 USC § 636(b)(1)(C); see also *United States v Wilson*, 864 F2d 1219, 1221 (5th Cir 1989, *per curiam*). The district court may accept any other

portions to which there's no objection if satisfied that no clear error appears on the face of the record. See *Guillory v PPG Industries Inc*, 434 F3d 303, 308 (5th Cir 2005), citing *Douglass v United Services Automobile Association*, 79 F3d 1415, 1430 (5th Cir 1996, *en banc*); see also FRCP 72(b) advisory committee note (1983).

No party filed objections. No clear error otherwise appears upon review and consideration of the Memorandum and Recommendation, the record, and the applicable law.

The Memorandum and Recommendation of the Magistrate Judge is ADOPTED as the Memorandum and Order of this Court. Dkt 15.

The motion to dismiss by Defendants is GRANTED. Dkt 4.

Plaintiff's claims are DISMISSED WITH PREJUDICE.

A final judgment will enter separately.

SO ORDERED.

Signed on May 31, 2023, at Houston, Texas.


Hon. Charles Eskridge
United States District Judge